

REMARKS

STATUS OF THE CLAIMS

Claims 1-26 are pending in the application.

Claims 1-6, and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. (U.S. 5,999,622) in view of Rhoads (U.S. 6,343,138), in view of Millsted et al. (U.S. 6,263,313), and further in view of Stefik et al. (U.S. 6,233,684).

Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa/Rhoads/Millsted/Stefik in view of Applicant's own admission.

According to the foregoing and as discussed herein the claims are amended, and, thus, claims 1-26 remain pending for reconsideration, which is respectfully requested.

No new matter is added in this Amendment.

REJECTIONS

The independent claims are 1, 25 and 26, which are amended taking into consideration the Examiner's comments in the Advisory Action. In contrast to Yasukawa/Rhoads/Millsted/Stefik, the claimed present invention, using amended independent claim 1 as an example, provides:

1. (CURRENTLY AMENDED) A data management method comprising:
 - extracting, as a preview sample, a portion of a digital content file to be distributed;
 - preparing a substantive file by encrypting the digital content file with a content key;
 - preparing user specific authorization information by encrypting the content key based upon user information;
 - preparing a user specific authorization information embedded preview sample by embedding user-specific-the user specific authorization information, containing information for accessing the encrypted digital content file, as invisible information in the extracted preview sample-to-prepare-user-specific-authorization-information-embedded-preview-sample;
 - synthesizing the substantive file and the user-specific-authorization-information-embedded preview sample to prepare a synthesized digital content file; and

distributing the synthesized digital content file.

The claim amendments emphasizes that in contrast to the relied upon references, the claimed present invention provides, “preparing a substantive file by encrypting the digital content file with a content key; ***preparing user specific authorization information*** by encrypting the content key ***based upon user information***” and “***preparing a user specific authorization information embedded preview sample*** by ~~embedding user-specific~~ ***the user specific authorization information***, containing information for ***accessing the encrypted digital content file, as invisible information in the extracted preview sample*** to prepare user-specific authorization information embedded preview sample.” Support for the claim amendments can be found, for example, in page 17, line 15 to page 19, line 18 of the present Application.

It is readily apparent and clear that if one combined Yasukawa/Rhoads/Millsted/Stefik, the combined system fails to provide the claimed present invention’s, “***a user specific authorization information embedded preview sample***” by “~~embedding user-specific~~ ***the user specific authorization information ... for accessing the encrypted digital content file, as invisible information in the extracted preview sample,***” because none of Yasukawa/Rhoads/Millsted/Stefik contemplate the claimed present invention’s:

1. “preparing a substantive file by encrypting the digital content file with a content key;
2. “***preparing user specific authorization information by encrypting the content key based upon user information***” and
3. “***preparing a user specific authorization information embedded preview sample*** by ~~embedding user-specific~~ ***the user specific authorization information***, containing information for ***accessing the encrypted digital content file, as invisible information in the extracted preview sample*** to prepare user-specific authorization information embedded preview sample.”

The Office Action and the Advisory Action appear to be alleging/relying on the rationale that Rhoads/Millsted/Stefik provide motivation to one skilled in the art to modify Yasukawa and/or to modify Rhoads/Millsted/Stefik to provide the claimed present invention. However, none of Yasukawa/Rhoads/Millsted/Stefik provide a motivation to one skilled in the art to modify, because none of these references discuss or contemplate using a “***preview sample***” of “***a substantive***

file [encrypted] with a content key” to invisibly embed “*user-specific-authorization-information ... for accessing the encrypted digital content file*” to access the “substantive file [encrypted] with the content key.” The previous remarks of July 7, 2005 clearly support non-obviousness of the claimed present invention and reconsideration of the same is respectfully requested.

More particularly, because a combination of Yasukawa, Rhoads and Millsted fails to disclose the claimed present invention, the Office Action relies on another fourth reference Stefik. Stefik discusses embedding a watermark in a digital file that contains rights privileges (Abstract, column 12, lines 10-15). A review of entire Stefik reveals that Stefik discusses the “watermark data typically provides information relating to the owner of a document, the rights associated with that copy of the document and information relating to rendering event (e.g., when and where the document was printed). This information will typically aid in deterring or preventing unauthorized copying of the rendered work” (column 3, lines 22-39 and column 12, lines 10-51). However, Stefik fails to disclose or suggest other range of uses of watermark technology as well as location or integration of the watermark (see, Stefik, column 10, line 66 to column 11, line 23). In other words, Stefik fails to disclose or suggest the claimed present invention’s *sample preview* that has invisible authorization information for *accessing the encrypted portion of the content* (i.e., “preparing user specific authorization information by encrypting the content key based upon user information” and “preparing a user specific authorization information embedded preview sample by embedding user-specific-the user specific authorization information”, containing information for *accessing the encrypted digital content file, as invisible information in the extracted preview sample* ~~to prepare user-specific-authorization-information-embedded-preview-sample~~” (e.g., claim 1)). In other words, the claimed present invention’s, watermarked “user specific authorization information ... for accessing the encrypted digital content file,” differs from Stefik’s watermarked information that contains rights privileges, because Stefik fails to contemplate providing rights privileges to accesses an encrypted digital content file.

In particular, Stefik undermines the Office Action’s obviousness rejection and motivation to combine and modify Yasukawa, Rhoads, Millsted and Stefik, because Stefik’s column 12, lines 54-62, discuss “The next steps for the digital work are that it is published and distributed. During this process, the digital work is protected by the encryption and other security systems that are employed and the rights travel with the document.” However, Stefik fails to contemplate

the claimed present invention's ***sample preview*** that has ***invisible authorization information for accessing the encrypted portion of the content***. In other words, although Stefik discusses embedding a digital watermark in a document, it would not have been obvious for a person skilled in the art to provide an encryption key in a digital watermark and to provide the watermark in a preview sample of encrypted content.

Also, the Office Action in page 5 provides, "It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the distribution techniques of Yasukawa/Rhoads/Millsted with Stefik's usage rights because it provides a system for controlling the distribution of digital works." However, contrary to the Office Action's combination and modification motivation rationale, the claimed present invention provides "***a user specific authorization information embedded preview sample***" by "***embedding user-specific-the user specific authorization information ... for accessing the encrypted digital content file, as invisible information in the extracted preview sample,***" (e.g., claim 1), which provides (in an unlimiting example) one benefit of distributing a key for accessing encrypted content while substantially protecting the key and substantially reducing problems of loss of a key by a user.

It is readily apparent that Rhoads only discusses watermarking generation technology and fails to describe ranges of use or integration of watermarking technology. Similar to Stefik, Millsted discusses use of Watermarking technology to apply copyright information to the content (column 64, line 61 to column 65, line 18). However, Millsted fails to discuss other ranges of use of Watermarking technology to achieve the claimed present invention. Therefore, Yasukawa does not assume a method to embed a decryption key in a non-encrypted part as secret information and accordingly, it would have been difficult to employ the digital watermark technology as disclosed in Rhoads, Millsted and Stefik to reach the claimed present invention's idea. It would not have been obvious to combine Yasukawa, Rhoads, Millsted and Stefik and to modify the same to achieve the claimed present invention.

In view of the remarks and the claim amendments, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.


CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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